

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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OSCAR RICO-ARREOLA,

Case No. 3:13-cv-00580-MMD-WGC

Petitioner,

ORDER

v.

WARDEN SMITH,

Respondents.

Petitioner has paid the filing fee. He has also submitted a motion for appointment of counsel (dkt. no. 7). Petitioner is unable to afford counsel, and the issues presented warrant the appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B).

It is therefore ordered that the Clerk of the Court file the petition for a writ of habeas corpus.

It is further ordered that petitioner's motion for appointment of counsel (dkt. no. 7) is granted. The Federal Public Defender is provisionally appointed to represent petitioner.

It is further ordered that the Federal Public Defender shall have thirty (30) days from the date that this order is entered to undertake direct representation of petitioner or to indicate to the Court his inability to represent petitioner in these proceedings. If the Federal Public Defender does undertake representation of petitioner, he shall then have sixty (60) days to file an amended petition for a writ of habeas corpus. If the Federal Public Defender is unable to represent petitioner, then the Court shall appoint alternate counsel.

1 It is further ordered that neither the foregoing deadline nor any extension thereof
2 signifies or will signify any implied finding of a basis for tolling during the time period
3 established. Petitioner at all times remains responsible for calculating the running of the
4 federal limitation period and timely asserting claims.


5 It is further ordered that the Clerk shall add Catherine Cortez Masto, Attorney
6 General for the State of Nevada, as counsel for respondents.

7 It is further ordered that the Clerk shall electronically serve both the Attorney
8 General of the State of Nevada and the Federal Public Defender a copy of the petition
9 and a copy of this order.

10 It is further ordered that respondents' counsel shall enter a notice of appearance
11 within twenty (20) days of entry of this order, but no further response shall be required
12 from respondents until further order of the Court.

13 It is further ordered that any exhibits filed by the parties shall be filed with a
14 separate index of exhibits identifying the exhibits by number or letter. The CM/ECF
15 attachments that are filed further shall be identified by the number or numbers (or letter
16 or letters) of the exhibits in the attachment. The hard courtesy copy of any additional
17 state court record exhibits shall be forwarded — for this case — to the staff attorneys in
18 Las Vegas.

19 DATED THIS 4th day of June 2014.
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22 _____
23 MIRANDA M. DU
24 UNITED STATES DISTRICT JUDGE
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